

Thomas-Jensen Affirmation

Exhibit # 37

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF THERESA A. MALDONADO

I, Theresa A. Maldonado, declare as follows:

1. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.
2. I am a resident of the State of California. Since 2020, I have been employed by the University of California (UC) Office of the President as the systemwide Vice President for Research & Innovation. In addition to my current role, I have a Ph.D. in electrical engineering and over 30 years' academic experience.
3. The UC system is comprised of ten research-intensive campuses, six medical schools, and three affiliated U.S. Department of Energy ("DOE") national laboratories. UC's mission is to support higher education, research, health care, and public service, and UC is recognized as an international leader in each of those areas.
4. As Vice President for Research & Innovation, I lead UC researchers and administrators in research policy, funding for systemwide programs, and the innovation and entrepreneurship ecosystem. We work to build UC-wide partnerships, help shape effective policies and provide a strong voice nationally for research and innovation on behalf of UC.
5. As the systemwide leader for research and innovation, I work very closely with the Vice Chancellors for Research from each UC campus, and am in regular contact with them to identify any issues impacting UC systemwide research, including concerns related to research funding.
6. UC is one of the nation's leading research institutions, with almost 9% of all U.S. academic research being conducted by UC researchers.

7. Federal funds are UC's single most important source of support for its research, accounting for more than half of UC's total research awards.
8. In FY 2023, the total amount of federal research awards to UC was \$3.84 billion, with over 10,000 distinct federal awards from a wide range of federal agencies, including from National Institutes of Health ("NIH") and National Science Foundation ("NSF"). Some of UC's smaller campuses rely almost entirely on federal agencies as the primary source of funding for research projects and programs.
9. UC also has 18 health sciences schools and six academic medical centers, which are widely recognized as among the best in the nation and are international leaders in the education of health professionals who provide life-saving care to people across the nation, in research that develops new cures and treatments for some of the nation's most pressing health issues, and in public service that provides healthcare for all Californians regardless of ability to pay.
10. UC's budget relies on federal funding for its research mission. The research mission at UC includes, but is not limited to, allocated funding for staffing, clinical trials, dissemination of results, public outreach, teaching and training, equipment, and numerous other activities to fulfill the research mission and serve the people of California and the United States.
11. On January 27, 2025, the Office of Management and Budget ("OMB") issued a Memorandum for Heads of Executive Departments and Agencies, M-25-13, "Temporary Pause of Agency, Grant, Loan and Other Financial Assistance Programs" ("OMB Memo"). This OMB memo referred to a number of Executive Orders (EOs) related to limiting or ceasing government funding in certain areas.
12. UC also received notices issued by a number of federal agencies, including but not limited to NSF, Centers for Disease Control and Prevention ("CDC"), Department of Labor, Health

Resources & Services Administration (“HRSA”), USDA, the U.S. Agency for International Development (“USAID”), NASA, and the Department of State.

13. With respect to our NSF awards, we received notices regarding ceasing or pausing funding that were sent to large groups of UC’s Principal Investigators (PIs) funded by an agency (*see, e.g.,* NSF’s Notice to the PI Community, Exhibit A).
14. These Federal agency notices and the OMB Memo caused widespread confusion in the UC research community, negatively impacting researchers, administrators, graduate students, and UC’s overall ability to perform research. Specifically, I received reports of confusion and uncertainty from UC Campus Vice Chancellors for Research related to reimbursements for work performed on federally-funded projects, and whether or not UC campuses would be able to draw down federal funds in order to process payroll and other award expenses.
15. UC has many employees paid in whole or in part from extramural funds, and the vast majority of extramural funding at UC is from Federal awards. In addition, there are some employees, including Graduate Student Researchers and several hundred Postdoctoral researchers, who are directly paid by Federal agencies.
16. I understand that some of those direct-paid employees could not access NSF payment portals to request/receive payments during the short period when NSF payment portals were closed/down. Because of serious concerns about the impact on those individuals, there was discussion about whether the institution could issue no-interest emergency loans to cover salaries for those workers, something that would have required the institution to identify a funding source to cover the costs.
17. Though the issue was resolved when NSF re-opened their payment portals on or about February 2, 2025, there was widespread confusion and worry and administrative costs that

were incurred trying to determine how to pay and plan for meeting obligations in the wake of uncertainty of federal funding.

18. Further, on January 28, 2025, some of our campuses received notice that all USAID funding for foreign assistance programs was “paused” pursuant to the OMB Memorandum. (See Exhibit B.)
19. In developing its annual budget, UC did so with the expectation that it would receive the federal funds which are now potentially at risk, and to which it is entitled under its contractual and grant agreements with Federal agencies. A sudden disruption in anticipated federal funds would greatly jeopardize the rigorously peer-reviewed projects and cause budgetary and operational chaos.
20. Any pause in Federal funding would have a detrimental effect on the UC research enterprise, including students, staff, and faculty members supported by funding, and the public which benefits directly from UC’s research, health care, and other public services.
21. Any pause in funding, a funding freeze, or inability to drawdown funds from Federal sources creates confusion and uncertainty for research accounting offices that we oversee about whether and when we will receive our federal grant disbursements, including how long they will be “paused.”
22. Also, any pause in funding, immediate ceasing of Federal funds, or inability to drawdown Federal funds will cause operational chaos across the UC system for research administration, finance administration, research compliance, and reporting.
23. Cutting off access to Federal payment systems, even for a short period of time, can have a profound negative impact. Any renewed broad-reaching freeze or pause on federal disbursements, as was directed by the OMB memo, will cause significant disruption to UC

campuses, which will need to take significant measures to address and mitigate a loss of funding and which will have to devote substantial time and resources to planning for and coping with the severe operational impacts that would be caused by a federal Funding freeze.

24. Freezes or even temporary delays in the ability of UC to draw down Federal funding from Federal awards are costly to UC.
25. Upon consultation with the UC Controller's office, it is my understanding that in a typical month (based on January 2024 figures), UC spends an average of more than \$20 million a day in of Federal funds from all agencies. As a result, for every working day that UC cannot draw down funds, UC would be spending in excess of \$20 million more than it is taking in. While not all agencies pay UC via drawdowns, and while not all agencies stopped payment in the most recent action, it is my belief that these numbers are evidence of the serious negative impact of even a temporary federal Funding freeze.
26. If the Federal funding is again paused, blocked, denied or delayed suddenly, the risk and stress to the UC system is exacerbated by the uncertainty of whether we will get paid for expenses incurred in good faith based upon the government's prior commitments. This uncertainty has been exacerbated by Acting Secretary of the US Department of Health and Human Services (HHS) instructing agencies within HHS to freeze all external communications, shortly after President Trump took office; as of the date of this Declaration, my understanding is that agencies within HHS are still not permitted to speak with grantees.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct.

Executed this 5 day of February, 2025, at Oakland, California.



Theresa A. Maldonado, Ph.D., P.E.

Exhibit A

From: [U.S. National Science Foundation](#)
To: [REDACTED]
Subject: Message to the NSF PI Community
Date: Tuesday, January 28, 2025 1:36:04 PM

CAUTION: EXTERNAL EMAIL



Dear Colleagues;

The Office of Management and Budget (OMB) Memorandum M-25-13, issued on January 27, 2025, directs all Federal agencies to conduct a comprehensive review of their financial assistance programs to determine programs, projects, and activities that may be implicated by the recent Executive Orders. Therefore, all review panels, new awards, and all payments of funds under open awards will be paused as the agency conducts the required reviews and analysis. NSF has created an **Executive Order Implementation webpage** to ensure the widest dissemination of information and updates. We will continue to communicate with you as we receive additional

guidance.

All NSF grantees must comply with these Executive Orders, and any other relevant Executive Orders issued, by ceasing all non-compliant grant and award activities. Executive Orders are posted at <https://www.whitehouse.gov/presidential-actions/>. In particular, this may include, but is not limited to conferences, trainings, workshops, considerations for staffing and participant selection, and any other grant activity that uses or promotes the use of DEIA principles and frameworks or violates Federal anti-discrimination laws. Please work with your institutional research office to assist you in complying with the Executive Orders. You can also direct your questions through the form on this NSF [webpage](#).

Thank you for your work advancing science, engineering, technology and innovation for our nation.

Sethuraman Panchanathan
Director

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Davis Management Group on behalf of the U.S. National Science Foundation | 2415
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Exhibit B

January 28, 2025

USAID's Implementation of the Funding Pause for Foreign Assistance Programs

Dear USAID Implementing Partners,

In accordance with the President's Executive Order on Reevaluating and Realigning United States Foreign Aid, OMB Memorandum M-25-13 ("Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs"), direction from the Department of State, and the previously issued Notice on Implementation of Executive Order on Reevaluating and Realigning United States Foreign Aid, USAID is working to immediately implement the funding pause for foreign assistance programs, and all Federal financial assistance programs. We recognize that this pause will impact programming, our implementing partners at every tier, and the communities served by foreign assistance-funded activities. To that end, our focus is on ensuring that the funding pause and subsequent reviews are implemented efficiently to ensure full compliance with Presidential direction and policy, and so approved programming can resume as appropriate.

To facilitate this process, USAID has issued additional instructions to all Contracting Officers and Agreement Officers (COs/AOs) on appropriate next steps, timelines, and considerations for implementing the funding pause. This includes guidance on addressing existing awards, pausing or canceling new solicitations and notices of funding opportunity (NOFOs), and refraining from issuing new awards.

Immediate Actions

To implement the funding pause, this communication from the M/OAA Director in his capacity as the Senior Procurement Executive and Assistance Executive serves as official notice to all implementing partners to:

1. ***Take immediate action to pause implementation of USAID program-funded activities and otherwise refrain from further commitments or expenditures of USAID funding, until further notice.***
2. Confirm receipt and acknowledge the requirements of this notice with the cognizant CO/AO for your award, as soon as possible.

Subject to individual award terms, this notice applies to all awards (e.g., contracts, grants, cooperative agreements, and other funding mechanisms) and funding at every tier, unless an implementing partner has received formal notification from their cognizant CO/AO that their award is covered, in whole or in part, by a current waiver. Prime contractors and recipients are responsible for ensuring subcontractors, subrecipients, and all other sub-tier contractors and awardees similarly comply with this notice.

What to Expect Moving Forward

Current implementing partners should expect to receive formal notifications and instructions from their COs/AOs imminently, if they have not already. Depending on award type, this may be a stop-work order (contracts) or a suspension or request for bilateral amendment (grants and cooperative agreements). These formal notifications will require implementing partners to pause or mitigate further obligations or cost incurrence, consistent with the terms and conditions of their awards.

As directed by the Executive Order and Department of State, a government-wide comprehensive review of all foreign assistance shall be completed within eighty-five days of January 24, 2025. Once reviews are completed, COs/AOs will promptly communicate award decisions and take appropriate next steps to resume, modify/amend, or terminate awards. Because the funding pause will have schedule and cost implications for implementing partners, COs/AOs will negotiate equitable adjustments as a result of stop work orders, suspension notices, or termination settlements, as appropriate. Implementing partners are encouraged to review their specific award terms and conditions.

Prospective implementing partners should expect all solicitations/NOFOs and any pre-award discussions or negotiations to stop immediately. COs/AOs may issue formal amendments to solicitations/NOFOs (publicly available on SAM.gov or Grants.gov) or otherwise communicate this pause to implementing partners that have already submitted a proposal or application in response to a funding opportunity.

Once proposed activities are reviewed, COs/AOs will issue subsequent amendments or communications to announce whether or not the solicitation/NOFO or pre-award process will continue, be modified, or canceled.

Who to Contact

A copy of this notice has been posted to USAID's Implementing Partner Notices portals. Any questions related to this notice or to actions required for specific awards should be directed to your cognizant CO/AO.

Sincerely,

Jami J. Rodgers
USAID Senior Procurement Executive and
Director, Bureau for Management, Office of Acquisition & Assistance

Visit [WorkwithUSAID.gov](https://workwithusaid.gov) today to learn more about how to navigate the USAID partnership process!

Take action on [WorkwithUSAID.gov](https://workwithusaid.gov)

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